

MINUTES LEESBURG PLANNING COMMISSION DECEMBER 2, 2004
DRAFT

The Leesburg Planning Commission met on Thursday, December 2, 2004 in the Council Chambers, 25 West Market Street, Leesburg, Virginia. Staff members present were Chris Murphy, Brian Boucher, Susan Swift, Mac Willingham and Linda DeFranco.

CALL TO ORDER

The meeting was called to order at 7:00pm by Chairman Vaughan.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Present: Chairman Vaughan
Commissioner Bangert
Commissioner Barnes
Commissioner Jones
Commissioner Kalriess
Mayor Umstatt
Commissioner Wright.

ADOPTION OF AGENDA

Commissioner Bangert moved to adopt the agenda as presented.

Motion: Bangert
Second: Wright
Carried: 6-0

APPROVAL OF MINUTES

Commissioner Bangert moved to adopt the minutes of the November 18, 2004 meeting as noted.

Motion: Bangert
Second: Wright
Carried: 6-0

PREVIEW CASES

None

CHAIRMAN'S STATEMENT

Chairman Vaughan briefly recapped the protocol of Petitioners' Session during the meeting. He reminded the audience that the Petitioners's Session is separate from the Public Hearing. Also, Mr. Vaughan asked if the two special exceptions scheduled for

MINUTES LEESBURG PLANNING COMMISSION DECEMBER 2, 2004
DRAFT

public hearing should be considered separately or as one hearing. It was decided that they should be considered separately.

PETITIONERS

None

PUBLIC HEARING

Commissioner Jones expressed concern over segmenting this development application. He would like to discuss each of these special exceptions as they impact the whole development.

SE2004-0006 – Catoctin Circle Center – Bank with Drive Thru, Special Exception – Southeast Corner of Catoctin Circle, NE and Edwards Ferry Road, NE behind the Leesburg Plaza Shopping Center.

Mike Banzhaf, representative for the applicant, described the building, explained how they eliminated one of the drive through lanes to accommodate the buffer zone between the bank and the rear of the residences on Edwards Ferry Road.

Chris Murphy, Senior Planner gave the staff presentation. He commented that the applicant had complied with the required buffer zone size, which will help preserve large elms on the property. The vote on this special exception is expected on December 16th

Chairman Vaughan asked if there were any questions.

Commissioner Jones had some concerns about one of the elm trees. He asked if the developer is taking steps to mitigate disturbance of the root structure. Louise Zwicker, another representative of the applicant's assured Mr. Jones that they are working with an arborist to minimize any shock to the root system of the elm trees. He also asked if the brick wall was going to be the same as the one across the street from this site. The answer was yes.

Chris Murphy said that they are working with the town arborist to check the location of the excavation and the impact on the trees.

Commissioner Kalriess said he had the same concerns. He asked about additional screening such as evergreens to mask the drive through lanes further. Chris Murphy said that adding trees to this area would be detrimental because of the drip lines of the elm trees. Mr. Kalriess then addressed the sight line distance of the area. With the positioning of the entrance, what is the traffic impact in the area. Mac Willingham of the Engineering Department said he did not really have an answer for this. Mr. Kalriess asked about an additional lane and interparcel circulation.

Mr. Banzhaf replied that this had been addressed and is indicated on the plans.

MINUTES LEESBURG PLANNING COMMISSION DECEMBER 2, 2004
DRAFT

Mayor Umstattd stated that since these trees are on the applicant's property, there really isn't much we can require. She asked if the elm trees were threatened by the drive-through aspect of the bank or the development itself. Chris Murphy responded that the threat is from the grading for the drive through. The applicant has been advised that if these trees die, there must be landscaping put into their place.

Mayor Umstattd went on to ask if the buffer wall will be constructed so that it doesn't impede drainage. Chris Murphy responded that the grading will be at a lower point and the construction of the wall allows for flow under the wall.

Brian Boucher addressed the existing elm trees and the by right use. He mentioned that due to state law there is not much that the town can do except to ask the applicant to do their best to comply with the town's wishes. In this case the applicant has complied with the town's requests.

Commissioner Bangert was very happy that the applicant has been as accommodating as they have been so far. She went on to ask if the residents in the surrounding area had been contacted by the applicant. Brian Burke, the applicant, said that they had sent their representative Paul Draisey in to speak with the neighbors. He said the general feeling of the neighbors is that they are not opposed to this development. Mr. Burke went on to say that they are very conscientious about saving trees and will do their best to continue on this project.

Commissioner Bangert asked staff if any neighbors had approached them regarding this development. Chris Murphy responded that there were some traffic impact concerns.

Commissioner Wright asked about the parking at the bank and the restaurant and asked if there would be a time limit on those spaces. Mr. Banzhaf replied that there would not be a limit. Mr. Wright asked where the employees would park. Mr. Banzhaf replied that had not yet been determined.

Commissioner Barnes had no questions and stated that he was very excited about the project.

Chairman Vaughan thanked the developer for being sensitive to the trees in the area and cutting out the fourth drive through lane. He asked about the foundation for the wall and how this would affect the trees. Chris Murphy responded that there were no footers for this wall, it is a pylon design. John Cantrill, another representative for the applicant, explained the design and structure of the wall. Mr. Vaughan went on to discuss shared parking. Chris Murphy explained that the shared parking issue will be addressed at a later date, however, based on the numbers currently at hand, there will be a slight deficiency in the number of spaces. The applicant is aware of this and has time to adjust the parking design.

At this time Chairman Vaughan opened up the public hearing on SE 2004-06.

MINUTES LEESBURG PLANNING COMMISSION DECEMBER 2, 2004
DRAFT

Larr Kelley of 404 Edwards Ferry Road came forward and pointed out that the traffic study showed zero trips going north on Catoctin Circle from this development. This, of course is due to the fact that Catoctin Circle is not open at that end. The traffic will go west and north on Prince Street. Catoctin Circle was to have been opened many years ago, but it still hasn't happened. Instead streets that were not supposed to be opened have been creating main cut throughs to Edwards Ferry Road. These actions were contrary to what Council had promised many years ago. According to the most recent town plans, Catoctin Circle is scheduled to be the through street. Mr. Kelley feels that this should be a consideration prior to approving this application. He also asked that any assumptions be specifically spelled out so that there is no question about what will happen with the road infrastructure in that area.

Chairman Vaughan asked Chris Murphy to discuss the special exception with Mr. Kelley with the specifics.

There were no other speakers at this time. The hearing will remain open for ten days and is scheduled for a final vote on December 16, 2004.

Commissioner Jones asked what the phasing was for this project. Mr. Banzhaf replied that phase II cannot be committed until there is a site plan for the last piece. Traffic conditions are part of this plan. There is some question on the widening or addition of lanes for entry into the development. Keep in mind that the opening of the streets beyond Edwards Ferry Road are not contingent on this application. Mr. Jones asked if they were building an additional lane plus a decal lane, or if they were building two additional lanes? Mr. Banzhaf replied that they were adding a lane on Catoctin and that this would be sufficient for turning into the development. Mr. Jones then asked when construction would actually begin. Mr. Burke replied hopefully in March of 2006.

Mayor Umstattd said the town has already proffered funds for a traffic signal at the intersection of Edwards Ferry Road and Catoctin Circle. This was a result of the courts expansion project. Mac Willingham said that this was correct. She didn't think that legally the town can hold this application up because of the road openings, or lack thereof.

SE2004-0007 – Catoctin Circle Center – Private Parking Structure, Special Exception - Southeast Corner of Catoctin Circle, NE and Edwards Ferry Road, NE behind the Leesburg Plaza Shopping Center

Mike Banzhaf, representative for the applicant, gave an overview of the project. This will be the first private parking structure in Leesburg, it will be four stories, three above ground and one below. Lighting will be placed with minimal lighting impact for surrounding areas. The structure will serve the Catoctin Circle Center area.

Chris Murphy, Senior Planner, gave the staff report on this project. He summarized the required number of spaces for the project and recommended approval with contingencies including lighting, use of the structure, sidewalks, etc.

MINUTES LEESBURG PLANNING COMMISSION DECEMBER 2, 2004
DRAFT

Chairman Vaughan asked if the 680 number included the 29 parking spaces that still need to be added to the plan. Mr. Murphy responded that the 29 parking spaces are not addressed in that number, they will be considered during Phase II.

Commissioner Barnes asked if there would be screening so that the apartment residents would not be looking into the parking garage. Gary McCloud, architect for the applicant, said that yes, there will be screening.

Commissioner Wright asked what happens when the applicant submits the Phase II application. What does staff do regarding the parking at that point, and what will be brought in front of the Commission.

Brian Boucher answered that currently they are short parking spaces. Some things can be built by right. Before any plan is approved, the applicant must meet the minimum parking requirements. In order to reach that, there must be a shared parking agreement. The Planning Commission must decide whether this will be appropriate.

Mr. Wright went on to ask if the size of the building changes, will they still need the shared parking agreement? The answer is yes, because they will still need to share spaces.

Commissioner Bangert asked if the plan doesn't reflect the appropriate number of parking spaces, are they stuck with the same size buildings, or can they use the percentage of square footage to reduce the number of spaces required? Mr. Banzhaf responded that this all depends on the tenants, etc., they are not there quite yet. Ms. Bangert then asked the required number of spaces for various uses. Mr. Murphy responded that a bank requires 1 space per 250 sf; and office 1 space per 300sf and for retail, the first 10,000 is one space per 200 sf and for a restaurant it's 1 space per 150 sf. Brian Boucher responded that they will have to be very sensitive to their design and the tenants that are drawn in order to meet the parking requirements.

Mayor Umstattd asked what the logic of the special exception was, was it because a parking garage is aesthetically unpleasing to the surrounding area. Mr. Boucher responded that was one reason. The town does try to manage the appearance and compatibility of the garage.

Commissioner Kalriess asked if they were approving the specific size of the garage, or will they have the opportunity to increase the size of the garage to get the required number of spaces? Chris Murphy responded that they would have to resubmit to alter the size of the garage. Mr. Kalriess then asked the applicant if this would be a brick faced garage? The architect responded that they are incorporating various facing with a lot of brick detail. Lastly Mr. Kalriess asked about the light fixtures. Will this be a flat lens and has staff looked at the impact on adjacent properties? Mr. Murphy responded that yes, they had addressed the lighting impacts. Mr. Kalriess said that since poles are being

MINUTES LEESBURG PLANNING COMMISSION DECEMBER 2, 2004
DRAFT

used, there will be more impact of lighting. Mr. Cantrill responded that the poles will be lower and that they had worked with staff to minimize this impact.

Commissioner Jones wanted to know if grading for the entire site will be done at once and will the brick wall be put up in the first phase? The answer was yes, this is how it will be put in. He also asked about the vegetation between the apartments and the parking garage. Is this on the applicant's site? Is there vegetation along the line? It would be a shame to take out older trees and replace them with young ones. He also asked if the road would be part of the Phase I construction.

Chairman Vaughan asked about the elevations, and if the facades were up to BAR standards. The architect responded that they had reviewed the standards and are complying to meet the BAR standards. Mr. Vaughan then spoke with regard to special exceptions and the fact that since there is limited space within the town at this point, that he can see more demand for parking structures. He wondered if the parking structures should be removed from the special exception process. Susan Swift responded that it is on the glitch list and feels that they will be considered separately, especially if they are adjacent to residential areas, as it pertains to the zoning ordinance.

Mr. Vaughan went on to say that there should be better screening so that the top floors of the apartments are not looking straight at the garage. Also, the lighting and size of poles need to be carefully considered.

Commissioner Bangert questioned if we ask for design standards, does this have to be put in under conditions? Brian Boucher responded that yes, it should be.

At this time the public hearing was opened.

Gigi Robinson of 207 Prince Street addressed the Commission regarding the existing infrastructure to support this site. She spoke of the traffic along Edwards Ferry Road and Catoctin Circle. Next she addressed the viewshed. The existing Keller building is very exposed, even though there is supposed screening there. Has adequate attention been given to the drainage and the resulting residue that can occur during heavy rains? There are many areas in town that have not addressed these types of issues.

Larr Kelley of 404 Edwards Ferry Road came forward and essentially repeated what he said before and then addressed the transportation network. The applicant's traffic study assumes that the improvements have been made, when they have not.

Commissioner Vaughan again stated that this would remain open for the next ten days and is up for vote at the December 16, 2004 meeting.

SUBDIVISION AND LAND DEVELOPMENT

None

ZONING

None

COMPREHENSIVE PLANNING

None

COUNCIL AND REPRESENTATIVES' REPORTS

Mayor Umstattd gave a report on the trolley and its early success, the upcoming ribbon cutting of Thoroughbreds, and the tree lighting coming up this weekend. She then gave a report on the legislative dinner, where topics of discussion were the lack of transportation project funding from the state level, and the SEC decision on the Dominion transmission lines. It was suggested that the town enter as a formal protestant to the SEC regarding the placement of the lines. She met with the dean of the pharmacy school at Shenandoah University who is partnering with George Washington University to offer bio technology studies together. They are asking that perhaps Loudoun County would like to design a magnet school for this type of curricula.

Chairman Vaughan strongly supported the Shenandoah/GWU/Magnet School concept.

Commissioner Barnes announced that he will be leaving as the Planning Commission representative to the Residential Traffic Committee. Kevin Wright will take his place.

Bridget Bangert is leaving the Environmental Advisory Commission as the Planning Commission representative and Chuck Jones will take her place. This will be effective in January. There are two meetings coming up at the County, Monday, Dec. 6th at 9:00am, and Wednesday Dec. 8 at 6:30pm on Bolen Park.

Susan Swift presented the draft budget for the Planning Commission. She asked the members to review this and get any comments back to her as quickly as possible. She then asked if any other members wanted copies of Robert's Rules of Order. Ms. Swift also went over the Planning Commission Public Meeting Protocol that will be available for people at each meeting. Lastly, she asked about the special meeting that was requested at the retreat to discuss JLMA, etc. Milt Herd is available on December 6 and 8. The other option would be to hold it after the regular meeting on December 16th.

Commissioner Jones said that Milt was vital to the meeting since he has experience with the JLMA zoning and land use designations from the county side. Mr. Jones would like to do it on the 6th, at 7:00pm.

Commissioner Barnes said that committing three hours was too much and he would not be in attendance.

MINUTES LEESBURG PLANNING COMMISSION DECEMBER 2, 2004
DRAFT

Mr. Jones said this would be a good opportunity to discuss, outside of a formal meeting setting, many of the concerns that face the Commission.

Commissioner Wright questioned the timeframe and expressed concern about putting too much into the discussion. He thought this would be a step one meeting with a presentation, not going into discussion on land use. There should be a separation of discussion topics, e.g., JLMA, Crescent District, Town Plan, etc.

Commissioner Jones said that adequate time should be set aside to discuss items. He did not specifically mean three hours. Mr. Barnes asked them to stick to the regular Planning Commission meetings and forget individual agendas – that could cause meetings constantly. Mr. Wright asked about the action plan, is this a special meeting for the JLMA, Milt Herd would present, there would be questions and then adjourn. Secondly the area map would be brought in for discussion on specific JLMA sites, then move on to the Town Plan.

Chairman Vaughan said that there were two commissioners that asked for this special meeting. They want to look at planning from a broader perspective other than regular Planning Commission meetings. An opportunity to review CPAMs and JLMA areas will give them the opportunity to define area uses. He suggested that the meeting be held to see what comes of it and then decide on future special workshops. The special meeting will be held on Monday, December 6 from 7:00pm until 9:00pm.

Commissioner Jones agreed to the initial presentation and then discussion and move forward from that point on as needed.

NEW BUSINESS

None

ADJOURNMENT

The motion was made and seconded to adjourn at 9:10pm.

Prepared by:

Approved by:

Linda DeFranco, Commission Clerk

Clifton Vaughan, Chairman

